

AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 19, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-12936 - APPLICANT: CLEAR CHANNEL OUTDOOR, INC. - OWNER: U-HAUL REAL ESTATE COMPANY

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. Obtainment of all necessary permits and inspections for reconstruction of the sign.
3. This Special Use Permit shall be reviewed in two (2) years, at which time the City Council may require that the Off-Premise Advertising (Billboard) Sign be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Advertising (Billboard) Sign be removed.
4. The Off-Premise Advertising (Billboard) Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. The property owner shall also keep the property properly maintained. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
5. Only one advertising sign is permitted per sign face.
6. If the existing off-premise sign is voluntarily demolished, this Special Use Permit shall be expunged and a new off-premise sign shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.
7. Bird deterrent devices shall be installed on the sign.
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.
9. There shall be no readerboard nor shall the static board be replaced with LED.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Special Use Permit to raise the height of an existing Off-Premise Advertising (Billboard) Sign to be 26 feet above the height of the U.S. 95 Freeway on property located at 2021 West Bonanza Road.

EXECUTIVE SUMMARY

The subject off-premise sign requires a Special Use Permit to increase the height approximately 26 feet above the proposed height of the elevated ramp of the U.S. 95 freeway, bringing the total height of the structure to approximately 70 feet above existing grade. The increased height does not exceed Title 19 requirements and does not negatively affect adjacent properties. The recommendation is for approval, with a review to be heard in two years.

BACKGROUND INFORMATION

A) *Related Actions*

- | | |
|----------|---|
| 06/22/04 | A building permit (#04015861) was issued for a 40-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign at 2017 West Bonanza Road. This permit allowed the relocation of an existing billboard approximately 180 feet north of its former location to permit expansion of the U.S. 95 Freeway. The height and size of the sign were unchanged. A final inspection was approved 09/10/04. |
| 12/01/04 | The City Council adopted Ordinance No. 5736, establishing standards pertaining to the relocation of off-premise signs required to be removed to allow for publicly funded improvements. |
| 05/17/06 | The City Council approved an amendment to the Downtown Redevelopment Plan Map (GPA-9219) to expand the boundaries of the Downtown Redevelopment Area and to identify future land use designations as "Commercial," "Mixed Use," "Industrial" or "Public Facility." The subject site is located in the "Expansion Area A" with an I (Industrial) land use designation as identified within this application. The Planning Commission and staff recommended approval. |

- 05/25/06 The Planning Commission accepted the applicant's request to hold this item in abeyance to the 06/22/06 Planning Commission meeting to allow the applicant to continue to research the height of the adjacent highway currently under construction, so that the notice for this project could be properly identified.
- 06/22/06 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #30/ss).

B) Pre-Application Meeting

- 03/20/06 Staff explained that Title 19 allows a sign to be raised a maximum of 30 feet above the elevated freeway. The height is to be measured from the elevation of the roadway nearest the sign. So that the nature of the request can be seen, sign elevations of the proposed sign and photographs of the existing sign should be submitted.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.63

B) Existing Land Use

Subject Property: Mini-Warehouse
North: Single-Family Dwellings
South: U.S. Highway 95 Right-of-Way
East: Office
West: Major Auto Repair and Auto Parts Sales

C) Planned Land Use

Subject Property: I (Industrial – Downtown Redevelopment Plan)
North: I (Industrial – Downtown Redevelopment Plan)
South: I (Industrial – Downtown Redevelopment Plan)
East: I (Industrial – Downtown Redevelopment Plan)
West: I (Industrial – Downtown Redevelopment Plan)

D) Existing Zoning

Subject Property: C-2 (General Commercial)
North: R-E (Residence Estates)
South: ROW (Right-of-Way)
East: C-M (Commercial/Industrial)
West: C-2 (General Commercial)

E) General Plan Compliance

The subject site is designated I (Industrial) on the Downtown Redevelopment Area Land Use Map. This category includes light manufacturing, assembling and processing, warehousing and distribution, and research, development and testing laboratories. Mixed-use development with a residential component may also be appropriate when used as a transition to less intense uses. The current C-2 (General Commercial) zoning district on the subject site is not generally compatible with industrial uses; however, many current uses in the vicinity of this site are of an industrial character.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
West Las Vegas Plan	X	
Redevelopment Plan Area	X	
Special Overlay District	X	
Airport Overlay District – 140 Feet	X	
Trails		X
Rural Preservation Overlay District		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

West Las Vegas Plan

The subject site is located within the boundaries of the West Las Vegas Plan. Map 14 of the Plan classifies the current land use category of this area as LI/R (Light Industry/Research), which typically allows C-M (Commercial/Industrial) and M (Industrial) zoning districts. However, the West Las Vegas Plan identifies the subject site and other neighboring parcels inconsistent with the General Plan on Map 16 but does not recommend altering the General Plan at this time.

Redevelopment Plan Area

The subject site was added to the Downtown Redevelopment Area on 05/17/06 as part of “Expansion Area A.” It has an I (Industrial) land use designation within the Redevelopment Area. No special standards apply to the subject off-premise sign as a result of its inclusion in the Redevelopment Area.

Airport Overlay District

The subject Off-Premise Advertising (Billboard) Sign is located within the North Las Vegas Airport Overlay District. All development within the airspace above the height of 35 feet above the surface of the land, lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces is subject to the height standards established on the Airport Overlay Map. At a proposed height of 70 feet, the billboard would be within the 140-foot allowable limit designated on the Overlay Map.

ANALYSIS

A) *Zoning Code Compliance*

A1) Minimum Distance Separation Requirements

Pursuant to Title 19.14, the following Standards apply to new Off-Premise Advertising (Billboard) Signs:

Standards	Code Requirement	Provided	Compliance
Off-Premise Advertising (Billboard) Sign	Minimum 750-foot distance separation from any other off-premise sign along the same freeway frontage	Approximately 580 feet separation	No
	Minimum 300-foot distance separation from nearest property line of a lot in the U or any "R" zoning district	Approximately 270 feet south of property zoned R-E	No

The subject billboard does not comply with distance separation requirements from other off-premise signs or from property zoned R-E (Residence Estates) to the north. However, the sign was nonconforming prior to relocation to the current site, and was not required to conform as a result of required removal due to expansion of the U.S. 95 freeway. Furthermore, the sign was relocated prior to current standards pertaining to the relocation of signs required to be removed to allow for publicly funded improvements.

A2) Off-Premise Sign Requirements

Pursuant to Title 19.14, the following Standards apply to the subject proposal:

Standards	Code Requirement	Proposed
Location	No off-premise sign may be located within the public right-of-way	Located north of the U.S Highway 95 right-of-way
Zoning	Off-premise signs are permitted in the C-1, C-2, C-M and M Zoning Districts only	Located within a C-2 (General Commercial) zoning district

Area	No off-premise sign shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet.	The north and south faces are each 672 square feet. There are no embellishments or double sign faces.
Height	No higher than 40 feet from grade at the point of construction, except a sign within 150 feet of the right-of-way of an elevated freeway or highway to which it is oriented may be erected 30 feet above the elevation of the elevated roadway surface nearest the sign.	Maximum height of 70 feet from grade, approximately 26 feet above the elevated roadway nearest the sign, which is approximately 21 feet from existing grade; approximately 65 feet from ROW.
Setback	Off-premise signs shall not be located closer than 50 feet to the intersection of the present or future rights-of-way of any two public roads, streets or highways.	The subject sign is set back approximately 350 feet from the right-of-way line of the intersection of Bonanza Road and Tonopah Drive.
Screening	All structural elements of an off-premise sign to which the display panels are attached shall be screened from view.	Screened from view by sign panels
Other	All off-premise signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	Permanently secured to ground; located on exclusively commercial property

The existing off-premise advertising (billboard) sign meets the provisions of the Title 19 sign code.

B) General Analysis and Discussion

- **Zoning**

The subject site is zoned C-2 (General Commercial). An Off-Premise Advertising (Billboard) Sign is a permitted use in this district with the approval of a Special Use Permit. It is not located within the Off-Premise Sign Exclusionary Zone.

- **Use**

This existing use does not have a prior Special Use Permit and therefore there have not been prior reviews. In 2004, it was relocated from a site approximately 180 south of the current location by way of a building permit. Since that time, work has begun on expansion of the U.S 95 freeway. Construction of an elevated ramp close to the sign

allegedly obscures complete views of the sign as it is approached. Pictures were supplied showing how the sign would appear from the perspective of a vehicle on the freeway traveling west at various lengths of approach to the sign. The sign appears to be obscured at a sight distance of approximately 1,000 feet. The applicant has also obtained drawings from the Nevada Department of Transportation showing the finished height of the expanded U.S. Highway 95 near the sign. According to the drawings, the ramp under construction will have a height of approximately 21 feet above the existing grade.

The sign is currently 44 feet above grade. The applicant requests to raise the height an additional 26 feet for a total height of 70 feet above the existing grade. Title 19.14 allows signs within 150 feet of the right-of-way of an elevated freeway or highway to which they are oriented to be erected 30 feet above the elevation of the elevated roadway surface nearest the sign. As the proposed sign meets the standard, the recommendation is for approval. The increased height will not have a negative effect on adjacent properties, which use the vicinity of the sign primarily for storage and other industrial uses.

- Conditions

Approval of the Special Use Permit is subject to standard maintenance conditions. All necessary building permits and inspections must be obtained and approved. The use shall be reviewed in two years to verify that it is compatible with the area.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed increase in the height of the existing 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign will not have a negative effect on adjacent properties, which use this area primarily for storage and other industrial uses. Approval of the Special Use Permit will allow the off-premise sign to be visible from both directions of the U.S. 95 after the expansion is complete. The use is permitted in the C-2 (General Commercial) zoning district and is appropriate in the land use context of the West Las Vegas Plan.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

There are no physical constraints to the location of the use on the subject site. It is recognized that the sign must be raised for it to be seen in the range of approaching distances.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

This condition does not apply, as there are no requirements for access to a property containing an Off-Premise Advertising (Billboard) Sign. The existing access to the site remains adequate.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The off-premise sign will be subject to regular inspection and will not compromise the public health, safety or welfare.

PLANNING COMMISSION ACTION

The Planning Commission added condition #9 as shown and the applicant agreed to all conditions.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

15

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 197 by City Clerk

APPROVALS 0

PROTESTS 0